

STATE OF NEW HAMPSHIRE
DEPARTMENT OF LABOR
CONCORD, NEW HAMPSHIRE



V

GRAY LEDGES RENTALS

DECISION OF THE HEARING OFFICER

Nature of Dispute: RSA 275:43 I unpaid wages

Employer: Gray Ledges Rentals, 18 Pioneer Point, Grantham, NH 03753

Date of Hearing: March 24, 2014

Case No. 47316

BACKGROUND AND STATEMENT OF THE ISSUES

A Wage Claim was filed with the Department of Labor on January 14, 2014. The notice was sent to the employer and there was an objection. The Objection was sent to the claimant and there was a request for a hearing. The Notice of Hearing was sent to both parties on February 27, 2014. The claimant did not show up for the hearing.

The claimant, in the Wage Claim, stated that he was underpaid by \$5,000.00 for the year 2012. He also claims two weeks of wages. The Wage Claim is for \$6,153.85.

The employer provided testimony that there were no wages due from the year 2012. The claimant was paid all that was due and there was never a complaint until this Wage Claim was filed.

The employer submitted all records of payments made to the claimant. From the records, the claimant was paid for all work in 2013.

Without the claimant available to review the documents submitted by the employer the employer's records stand as submitted.

FINDINGS OF FACT

RSA 275:43 I Every employer shall pay all wages due to employees within 8 days including Sunday after expiration of the week in which the work is performed, except when permitted to pay wages less frequently as authorized by the commissioner pursuant to paragraph II, on regular paydays designated in advance by the employer and at no cost to the employee.

803.01 (a). Pursuant to RSA 275:43, I and II, every employer shall pay all wages due to his/her employees within 8 days, including Sundays, after the expiration of the workweek on regular paydays designated in advance. Biweekly payments of wages shall meet the foregoing requirement if the last day of the second week falls on the day immediately preceding the day of payment. Payment in advance and in full of the work period, even though less frequently than biweekly, also meets the foregoing requirement.

This is the section of the law that mandates an employer to pay an employee all wages due at the time the wages are due and owing.

It is the finding of the Hearing Officer, based on the submissions and the testimony provided for the hearing, that the Wage Claim is invalid. The claimant has the burden to show that there are wages due and owing and he did not meet this burden. The claimant only stated, in the Wage Claim. The amount of wages due. He did not back up the claim with written evidence or with testimony.

The employer was credible in the testimony that the claimant never stated in 2012 that he was not being paid properly. The employer also presented checks that show the claimant was paid for July of 2013. The employer paid at the first of the month for time not yet worked. The claimant received all wages due and owing.

The Wage Claim is invalid.

DECISION AND ORDER

Based on the testimony and evidence presented, as RSA 275:43 I requires that an employer pay all wages due an employee, and as this Department finds the claimant failed to prove by a preponderance of the evidence that he was not paid all wages due, it is hereby ruled that the Wage Claim is invalid.

/s/

Thomas F. Hardiman
Hearing Officer

Date of Decision: April 11, 2014

Original: Claimant
cc: Employer

TFH/cag